

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO, *et al.*,

*Plaintiffs,*

v.

PATRICK MCCRORY, in his official capacity as  
Governor of North Carolina, *et al.*,

*Defendants.*

Case No. 1:16-cv-00236

**UNC DEFENDANTS' SUPPLEMENTAL BRIEF ON THE SCOPE OF  
INJUNCTIVE RELIEF**

The Plaintiffs' position on the scope of available relief confirms that the UNC Defendants are not necessary parties to this case. The *Carcaño* Plaintiffs have taken the position that this Court has the authority to facially invalidate H.B. 2 across North Carolina, as well as to issue a statewide injunction against the Governor and all subsidiary agencies (like community colleges), *see* Dkt. 109, at pp. 10, 16 n.9, while the Department of Justice has recognized that Title IX claims could appropriately be brought against the State of North Carolina itself, Dkt. 107, at p. 3. The Plaintiffs' positions confirm that there is no practical reason (in addition to no legal one) to force the UNC Defendants to continue defending litigation over the permissibility of enforcing a law concerning bathroom usage that the UNC Defendants did not enact, have never enforced, and have never threatened to enforce.

Dated: August 12, 2016

/s/ Carolyn C. Pratt

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Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I certify that on August 12, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered parties.

Dated: August 12, 2016

/s/ Noel J. Francisco

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